



April 11, 2022

The Honorable Charles Schumer  
Majority Leader  
U.S. Senate  
S-221 U.S. Capitol Building  
Washington, D.C. 20510

The Honorable Mitch McConnell  
Minority Leader  
U.S. Senate  
S-230 U.S. Capitol Building  
Washington, D.C. 20510

The Honorable Nancy Pelosi  
Speaker  
House of Representatives  
1236 Longworth House Office Building  
Washington, DC 20515.

The Honorable Kevin McCarthy  
Minority Leader  
House of Representatives  
2468 Rayburn House Office Building  
Washington, DC 20515

Re: Support for the Tribal Access to Clean Water Act of 2022

Dear Congressional Leaders:

As leaders of the Tribes and Nations in the Upper Basin of the Colorado River, we write to express our strong support for the Tribal Access to Clean Water Act of 2022. This legislation, a copy of which is attached, will be introduced by Representative Joe Neguse of Colorado, together with other House co-sponsors.

This bill will help to correct a problem that should not exist in 2022 in this country – the lack of access to clean drinking water by many Native American households. It is a little-known fact that almost half of Native American households do not have the same basic water and sanitation services that are taken for granted by the rest of the population. These households may have no toilet, no sink, or any piped connection that delivers clean water. The deprivation of this basic service affecting over half a million residents of tribal communities constitutes one of the fundamental inequities of our time.

The public health impacts of not having clean water are well documented. Alaska Natives and American Indians have the [highest hospitalization and death rates from COVID-19](#) of any ethnic group, and this has been true since the early days of the pandemic. We and many other native communities have watched their children, relatives, and neighbors struggle with the ravages of COVID. Tribal elders, who are often the only remaining Native

speakers, have been particularly hard hit. The death rates for older American Indians are three to ten times higher than for non-Indian people of similar ages. The decimation of these beloved and respected seniors represents an immense loss of unique indigenous culture that cannot be reclaimed.

The bipartisan Infrastructure Investment and Jobs Act (IIJA) is a huge step forward in addressing this problem. It provides \$3.5 billion for the Indian Health Service's Sanitation Facilities Construction Program, funding that will be used to build and repair water infrastructure in Indian country and represents a much-needed shot in the arm after decades of neglect. The substantial funding for EPA's State Revolving Funds will also assist in supporting tribal water and wastewater systems.

But the IIJA does not provide a complete solution. Most importantly, while funding for construction is essential, this investment of taxpayer dollars must be protected with support for appropriate operation and maintenance (O&M) of these new systems. If O&M support is insufficient, water infrastructure will deteriorate at a faster than expected pace and overall costs will increase as the infrastructure ages. Tribal water systems present unique challenges, such as managing high capital and operating costs in remote locations and finding and retaining qualified water system operators. The Indian Health Service has been authorized to provide O&M assistance since the 1950s, but this authority has never been funded. It should be. This is not a double-dip for Native American water infrastructure – it represents the necessary human capital component that will make the infrastructure investment effective and permanent.

In addition, there is a dire and documented need for technical assistance to tribes to allow them to navigate the complex, even byzantine, array of federal agencies that can play a part in solving the water access gap. Grant writing assistance, engineering evaluation and design of water infrastructure systems, and training of certified operators are all critical for ensuring that the infrastructure funding is utilized expeditiously and appropriately. Many of these concerns have been expressed in the tribal listening sessions conducted by the Indian Health Service to garner input on its proposed spending plan for the funding provided in the IIJA.

Representative Neguse's bill will help fill essential gaps in the funding provided by the IIJA and ensure that the full benefit of the historic investment made in water infrastructure in Indian country is realized. This bill mirrors [Senate Bill 2369](#), introduced in 2021, eliminating the funding provisions superseded by the IIJA. As leaders of our indigenous communities, we ask Senate and House leadership to move quickly in adopting the Tribal Access to Clean Water Act. We thank you in advance for your time and efforts, and we look forward to working with both chambers on this critical priority for Tribal Nations and their citizens.

Sincerely,

Melvin J. Baker, Chairman, Southern Ute Indian Tribe

Corina Bow, Chairwoman, Paiute Indian Tribe of Utah

Shaun Chapoose, Chairman, Ute Indian Tribe

Manuel Heart, Chairman, Ute Mountain Ute Tribe

Jonathan Nez, President, Navajo Nation

Edward Velarde, President, Jicarilla Apache Nation